D.B. CIVIL SPECIAL APPEAL NO.591/2006
(Om Prakash Vs. State & Ors.)

Date of order : 18.9.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. G.R. Punia, for the appellant.
Mr. Anil Bachawat, for the respondents.
Mr. R.P.S. Choudhary, Addl. Advocate General.

Having heard learned counsel for the parties, we are of the opinion that in the facts and circumstances of the case as it exists now, no interference is warranted in the order 21.8.2006 passed by learned Single Judge, rejecting the second stay application.

The appellant has moved second stay application in SB Civil Writ Petition No.1614/2006 before learned Single Judge that removal of the petitioner as Chairman of the Water Collection Committee by Gram Sabha/Gram Panchayat Ujalwas, which took place after filing of the writ petition be stayed. That application has been rejected by learned Single Judge stating that since the petitioner has been removed by majority of the Gram Panchayat, no relief can be granted by way of interim relief.

We find from the material on record that the appellant has sought to challenge Annexure-12 dated

25.3.2006 by which the meeting was convened for considering whether Water Collection Project Committee for chak 11 Barani Ujalwas enjoys the majority support of Gram Sabha or not. There was no interim order passed against holding of the meeting while notice of the writ petition was issued. Thereafter vide resolution dated 25.3.2006, the petitioner-appellant was removed as Chairman of the Committee and the functions of the committee were resumed by Sarpanch of said Gram Panchayat. This order of resolution and the consequential notification issued by Block Development Officer had not been made subject matter of challenge by amending the writ petition or otherwise. As the order of the removal and consequential order are not subject matter of the writ petition, the petitioner-appellant is not entitled to seek any relief from the Court in respect of those orders.

The appeal has no force and is hereby dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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